UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,741	10/30/2007	Xiaobao Chen	RJENK41.007APC	9666

20995   7590   09/14/2011
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER
REDDIVALAM, SRINIVASA R

ART UNIT	PAPER NUMBER
2477	

NOTIFICATION DATE	DELIVERY MODE
09/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/588,741*	CHEN, XIAOBAO
	Examiner	Art Unit	
	SRINIVASA REDDIVALAM	2477	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 August 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

       NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-3,6-10 and 13-25*.

    Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet</u>.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Chirag G Shah/
Supervisory Patent Examiner, Art Unit 2477

/Srinivasa R Reddivalam/
Examiner, Art Unit 2477

Continuation of 11. does NOT place the application in condition for allowance because: #1). In pages 6-7 of Applicant's Remarks, regarding independent claim 1, Applicant mentions that the combination of Soliman and Lee does not support a prima facie case of obviousness as Soliman and Lee fail to disclose all of the features of the present claims and further mentions that even if the proposed combination were proper, neither Soliman nor Lee disclose "tunnelling, in a session between the correspondent node and the mobile node, one or more session packets from the correspondent node to the network entity, wherein the session packets have the correspondent node address as the source address and the care-of address as the destination address" .

However, the Examiner respectfully disagrees to the above statements of the Applicant as Lee clearly discloses "tunnelling, in a session between the correspondent node and the mobile node, one or more session packets from the correspondent node to the network entity, wherein the session packets have the correspondent node address as the source address and the care-of address as the destination address" (see col.6, line 66 to col.7, line 7 wherein the correspondent agent 60 tunneling the datagrams to the mobile node's care-of-address of the foreign agent/network entity by encapsulating the data in another header with the IP source address of the outer header being set to the correspondent agent 60 and the destination address being set to the care-of-address of the foreign agent is mentioned and the foreign agent/network entity receiving and decapsulating the data and forwarding the data to the mobile node is also mentioned and also see col.4, lines 17-21 wherein the correspondent host 50 and its correspondent agent 60 working together is mentioned and is also mentioned that both i.e. the correspondent host 50 and its correspondent agent 60 are referred collectively as a "correspondent node" and thus correspondent agent 60 is considered as a part of correspondent node only and hence Lee teaches the above tunneling between the correspondent node and the mobile node) and Soliman et al. together with Lee et al. teach all the limitations of independent claim 1 as already mentioned under Claim Rejections of the last office action sent on 06/22/2011. Thus the combination of Soliman and Lee supports a prima facie case of obviousness as Soliman and Lee disclose all of the features of the present claims as mentioned above and the combination provides efficiently permitting communication with a mobile node through tunnels across various domains in the mobile IP networking system.

#2). In page 8 of the Applicant's Remarks, regarding independent claim 1, Applicant further mentions that in Lee, the data package sent through the tunnel includes the address of the correspondent agent 60, and not the address of the correspondent host 50 and Lee does not teach tunnelling, in a session between the correspondent node and the mobile node, one or more session packets from the correspondent node to the network entity, wherein the session packets have the correspondent node address as the source address and the care-of address as the destination address.

However, the Examiner respectfully disagrees to the above statements of the Applicant as Lee clearly teach that correspondent agent 60 is part of the correspondent node (see col.4, lines 17-21 wherein the correspondent host 50 and its correspondent agent 60 working together is mentioned and is also mentioned that both i.e. the correspondent host 50 and its correspondent agent 60 are referred collectively as a "correspondent node" and thus correspondent agent 60 is considered as a part of correspondent node only) and thus Lee clearly disclose tunnelling, in a session between the correspondent node and the mobile node, one or more session packets from the correspondent node to the network entity, wherein the session packets have the correspondent node address as the source address and the care-of address as the destination address as already mentioned above under section 1.

#3). In page 9 of the Applicant's Remarks, regarding independent claims 10 and 14, Applicant mentions that for similar reasons to those discussed for claim 1, the combination of Soliman and Lee fails to support prima facie obviousness with respect to independent claims 10 and 14.

However, the Examiner respectfully disagrees to the above statements of the Applicant as the above explanation of sections 1 & 2 of claim 1 is also applicable to claims 10 and 14.

#4). In page 9 of Applicant's Remarks, Applicant further mentions that even if the combination of Soliman and Lee did support the establishment of prima facie obviousness, such a combination would be improper as a person of skill in the art would have had no expectation of success in combining the features of Soliman with the features of Lee.

However, the Examiner respectfully disagrees to the above statements of the Applicant as both Soliman and Lee references are related to Mobile IP protocol and the concepts of route optimizations in Mobile IP are applicable to both IPv4 and IPv6 protocols and thus a person of skill in the art would have a reasonable expectation of success in combining the teachings of Soliman and Lee references as the combination provides efficiently permitting communication with a mobile node through tunnels across various domains in the mobile IP networking system.